

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	CONSULTATION & NEGOTIATION COMMITTEE		
DATE:	16TH JANUARY 2014	REPORT NO:	CFO/001/14
PRESENTING OFFICER	CHIEF FIRE OFFICER		
RESPONSIBLE OFFICER:	NICK MERNOCK, DIRECTOR OF PEOPLE AND ORGANISATIONAL DEVELOPMENT, EXTN 4320	REPORT AUTHOR:	MIKE CUMMINS
OFFICERS CONSULTED:			
TITLE OF REPORT:	INDUSTRIAL RELATIONS UPDATE		

APPENDICES:	APPENDIX A: COLLECTIVE AGREEMENTS FBU & FOA
	APPENDIX B: WORK ROUTINE 12-HOUR SHIFTS
	APPENDIX C: SERVICE INSTRUCTION WATCH BASED SELF ROSTERING

Purpose of Report

1. To inform members of the matters of negotiation and consultation currently being progressed with Representative Bodies since the last meeting of the Consultation & Negotiation Committee (CNC) of 17th October 2013.

Recommendation

2. That Members note the progress being made;
 - a. To maintain effective and constructive industrial relations with Representative bodies and;
 - b. To deliver the Authority's IRMP.

Introduction and Background

Introduction & background

3. This report deals with matters of consultation and negotiation.

Service Instructions

4. Since the last meeting of the Joint Secretaries on 17th October 2013 the Joint Secretaries have successfully concluded consultation on a total of 23 new and amended service instructions. At the time of writing this report a total of 11 service instructions remain in consultation.

Revised Duty System (12/12)

5. At the last meeting of the Consultation & Negotiation Committee on 17th October 2013 the Chief Fire Officer (CFO) reported the outcome of negotiations with the Fire Brigades Union (FBU) with respect to proposed changes to the duty system for station based operational staff. Change was being sought by the Authority to provide greater productivity, particularly in relation to community based risk reduction work, in order to compensate for a reduction in staffing numbers as a consequence of continuing cuts in grant support from Government.
6. At this meeting the CFO was able to report that both parties had accepted the recommendations of the Resolution Advisory Panel (RAP) of 23rd July 2013 to move to a 12-hr duty system by 1st January 2015; preceded by an interim arrangement of day shifts of 10.5-hours duration and night shifts of 13.5-hours duration. However, as both parties recognised that two shift changes within a period of twelve months would be unduly disruptive for the Service and individuals, they committed to a period of intensive negotiations with the object of putting in place a collective agreement for the introduction of a de-default 12-hour duty system by 1st January 2014, a year earlier than had been envisaged in the RAP recommendations of 23rd August 2013.
7. Following a period of further negotiation at Joint Secretaries level and an extended period of consultation conducted by local FBU Officials at the branch level, the FBU and Management agreed a start/finish time of 0830hrs/2030hrs. This start/finish time was within the bounds of outcomes that were acceptable to the Service as it would support the requisite increase in productivity which had been the primary driver in the Authority seeking to vary shift length and the shift start/finish times. Consequently the CFO was able to advise FBU Officials that he was able to accept the FBU proposal for a start/finish time of 0830hrs/2030hrs.
8. Collective agreements confirming these contractual changes have been reached with FBU and the Fire Officers Association (FOA). These are attached as Appendix A to this report. Following further consultation with Representative Bodies the work routine for the de-default 12-hour duty system has also been amended to reflect the agreed start/finish and to address a number of concerns articulated by the FBU times and this is attached as Appendix B. The new duty system and work routines were introduced on 3rd January 2014.

Watch Based Self Rostering & 24-hour Shifts

9. In the negotiations between the Authority and the FBU following receipt of the RAP recommendations, the CFO undertook, (subject to acceptance by the FBU

of the final offer of the Authority set out in the employers Joint Secretary letter of 16th September 2013) to consider:

- a. *The introduction of 24-hr shifts at locations where there is a strong rationale for so doing so and in the light of the constraints of the Comprehensive Spending Review for 2015.*
- b. *The feasibility of introducing a watch based self rostering system, as proposed by the FBU.*

24-hr Shifts

10. When determining the suitability of the broader introduction of 24hr shifts in the context of increased productivity when offset against increased firefighter risk (identified using the HSE fatigue index) the Service concluded that the only benefit / operational rationale conceivable was limited to the introduction of 24-hour operated in conjunction with the undertaking of wholetime retained duties which would serve to increase the number of available appliances for the communities of Merseyside. This is the same model in operation at the Service's Urban Search and Rescue Station where the compression of hours has been agreed in order to facilitate retained working in the days free from work, thereby providing more robust Local and National resilience arrangements. The use of wholetime firefighters on a retained basis (wholetime retained) would also ensure that skills and competencies are maintained at the high current level.
11. The working of 24-hour shifts envisaged by the Service allows for the compression of wholetime hours, ensuring that the optimum distribution of rota days is available for wholetime staff to provide retained cover. This also provides a minimum of 24-hours free from duty ensures an acceptable level of risk fatigue.
12. As the new staffing model contains 4 wholetime equivalent posts for the purpose of retained resilience, managers proposed that these posts could be utilised to crew 2 additional appliances on a wholetime retained basis in order to secure an increase in the number of available appliances from 28 to 30. This increase would constitute the operational gain to justify the marginal increase in risk to the individual and the Authority that would arise from shifts of 24-hour duration.
13. It was determined that Old Swan and Wallasey fire stations would be the most suitable locations for the wholetime retained appliances to be based. Consequently on 15th November 2013 the Service invited expressions of interest from staff who wished to work 24-hour shifts. By the closing date for receipt of expressions of interest of 1st December 2013 Time & Resource Management (TRM) received only 3 expressions of interest.
14. The FBU subsequently confirmed their position to be that they would not accept the conditional link between 24-hour shifts and the undertaking of wholetime retained duties. Given this position and the limited appetite expressed by staff

for 24-hour working operated in conjunction with wholetime retained duties, this proposal was withdrawn by the CFO. The further implementation of 24-hour working other than those arrangements pertaining to the Search & Rescue Team (SRT), for which there is a clear operational rationale, is not therefore an option which will be pursued further by the CFO at this time.

Watch Based Self Rostering

15. In response to the feasibility of introducing a watch based self rostering system, as proposed by the FBU (RAP recommendation as detailed above) the Service prepared a draft service instruction for consideration/consultation. This consultation has been successfully concluded and the agreed service instruction is attached to this report as Appendix C.
16. The principles underpinning the service instruction are detailed below:
 - The 2/2/4 staffing model remaining in place as the de-fault pattern for determining staff availability, based on existing watch configurations.
 - Sufficient staff holding the requisite skill sets always being available on a watch basis to meet the staffing and appliance availability requirements of the Service.
 - The impact of requests for exchange of duties on the training requirements (as determined by the Authority) of the individuals seeking the exchange.
 - Exchange of duty arrangements complying with the Working Time Regulations 1998.
 - Arrangements for health, safety and welfare put in place by the Service being fully met.
 - A 12 hour shift shall be followed by a period of 12hours free from work, subject to the exigencies of the Service.
 - Exchange of duties will be confined to the station level. Requests from individuals from different stations or work locations for an exchange of duty will not be approved.
 - Exchange of duties is restricted to individuals operating at the same or equivalent role /level. Requests from individuals operating at different roles / levels will not be approved.
 - Staffing budgets for stations operating a self rostering model not exceeding those applied to the de-fault 2/2/4 pattern.
 - Watch based self rostering will operate at no additional cost to Service.

Equality and Diversity Implications

17. An EIA has previously been completed with regard to the adoption of default shifts of 12-hour durations. This has been subject to extensive consultation with representative Bodies.

Staff Implications

18. The agreement with the Representative Bodies for a variation in duty system for station based operational staff will bring forward the adoption of 12 hour shifts from 1st January 2015 to 1st January 2014 and change the start and finish time for the day and night shift to 0830hrs and 2030hrs. This will minimise any potential disruption to staff as they would have otherwise been subject to 2 duty system changes in a 12-month period.

Legal Implications

19. The agreements to vary start/finish times and shift duration require collective agreement with the Representative Bodies as they involve fundamental contractual change. Variation to Contract letters have also been issued to all staff affected by the contractual change.
20. There are no other specific legal implications to this report. The Director of Legal and Democratic Services is consulted on each individual issue as appropriate.

Financial Implications & Value for Money

21. None in this report.

Risk Management, Health & Safety, and Environmental Implications

22. Effective industrial relations contribute to a safer working environment and a more harmonious and healthy workplace
23. There are no environmental implications relating to this report

Contribution to Our Mission: *Safer Stronger Communities – Safe Effective Firefighters*

24. Good industrial relations contribute to the preventing disruption and distraction thereby helping to ensure Safer Stronger Communities and Safe Effective Firefighters.

BACKGROUND PAPERS

CFO/121/13 If this report follows on from CFO/121/13.

GLOSSARY OF TERMS

MFRA	Merseyside Fire and Rescue Authority is the physical and legal entity. When writing reports MFRA is the “object”.
MFRS	Merseyside Fire and Rescue Service is the service provided by MFRA. When writing reports MFRS is the “action”
FBU	Fire Brigades Union
TRM	Time & Resource Management
CFO	Chief Fire Officer
RAP	Resolution Advisory Panel